

WEINER LAW GROUP LLP

629 Parsippany Road
Parsippany, New Jersey 07054
P (973) 403-1100 F (973) 403-0010
www.weiner.law

LAWRENCE M. BERKELEY
Partner

lmberkeley@weiner.law

October 6, 2022

Via Electronic Filing

Clerk, United States District Court
Martin Luther King Building
& U.S. Courthouse
50 Walnut Street, Room 4015
Newark, NJ 07101

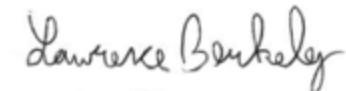
Re: Eweka, Omoroubiy v. Costco Wholesale Corporation, et al.
Docket No.: ESX-L-1765-22
Our File No.: COST-159

Dear Sir/Madam:

Enclosed please find Petition for Removal on behalf of Defendant, Costco Wholesale Corporation. Please file same. By copy of this letter, we are advising our adversary of this Petition.

Thank you for your courtesy in this regard.

Respectfully submitted,



LAWRENCE M. BERKELEY

Enclosures.

cc: Clerk, Superior Court of New Jersey, Essex County (via electronic filing)
Joanna Wierzbicka, Esq. (via electronic filing)

Weiner Law Group LLP

Lawrence M. Berkeley
Attorney ID No: 7706
629 Parsippany Road
Parsippany, New Jersey 07054
Telephone (973) 403-1100
LMBerkeley@weiner.law

Attorneys for **Defendant, Costco Wholesale Corporation**
Our File No. COST-159

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

OMOROUBIY EWEKA

Plaintiff,

vs.

**COSTCO WHOLESALE
CORPORATION, RG UNION LLC,
JOHN DOES (1-10), ABC CORPS (1-10),
(said names being fictitious)**

Defendants.

CIVIL ACTION NO.:

PETITION FOR REMOVAL

Petitioner, Costco Wholesale Corporation, by its attorneys, Weiner Law Group LLP, respectfully petitions the United States District Court for the District of New Jersey as follows:

1. This case was commenced on March 18, 2022 in the Superior Court of New Jersey, Law Division, Essex County. Suit is identified in the Superior Court as Eweka v. Costco Wholesale Corporation, Docket No. ESX-L-1765-22. (See Exhibit A).

2. Costco Wholesale Corporation first received a copy of the Complaint on April 1, 2022, when Plaintiff caused a copy to be served upon a CT Corporation System, Costco Wholesale Corporation's registered agent. (See Exhibit B).

3. The matter was not removable at that time, as complete diversity did not exist between the defendants.

4. Costco and RG Union LLC filed an Answer to Plaintiff's Complaint on May 4,

2022. (See Exhibit C).

5. On August 8, 2022, Plaintiff dismissed RG Union LLC. (See Exhibit D).

6. The dismissal of RG Union LLC created complete diversity among the defendants.

7. The filing of this Petition for Removal is timely because it is filed within one year of receipt of an Order which caused the case to become removable on the basis of diversity of citizenship pursuant to 28 U.S.C § 1446(c)(1).

8. Plaintiff's Complaint in the Superior Court of New Jersey, Law Division, Essex County, asserts damages of a non-specified amount. Plaintiff alleges that as a result of an incident at the Costco warehouse located in Union, New Jersey, Plaintiff sustained serious and permanent injuries. As such, Defendant Costco Wholesale Corporation believes the amount in controversy exceeds \$75,000, exclusive of interest and costs.

9. Costco Wholesale Corporation is informed and believes that Plaintiff is an individual citizen of the State of New Jersey.

10. Defendant/petitioner, Costco Wholesale Corporation, is a Washington corporation and its principal place of business is 999 Lake Drive, Issaquah, Washington 98027.

11. Therefore, complete diversity exists among the parties.

12. Accordingly, this action is removable to this Court pursuant to 28 U.S.C. § 1441.

WHEREFORE, Petitioner, Costco Wholesale Corporation, Defendant in the action described herein, which is currently pending in the Superior Court of the State of New Jersey, Law Division, Essex County, Docket No. ESX-L-1765-22, prays that this action be removed therefrom to this Court.

WEINER LAW GROUP LLP
Attorney for Defendant, Costco Wholesale Corp.

Dated: October 6, 2022

BY: *Lawrence Berkeley*
LAWRENCE M. BERKELEY, ESQ.
(LMB-7706)

I certify that all documents attached hereto are true and accurate copies of said documents.

WEINER LAW GROUP LLP
Attorney for Defendant, Costco Wholesale Corp.

Dated: October 6, 2022

BY: Lawrence Berkeley
LAWRENCE M. BERKELEY, ESQ.
(LMB-7706)